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Docket No.: M4065.0644/P644  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kristy A. Campbell

Examiner: Michael K. Luhrs

Application No.: 10/765,393

Art Unit: 2824

Filed: January 28, 2004

For: RESISTANCE VARIABLE MEMORY  
ELEMENTS BASED ON POLARIZED  
SILVER-SELENIDE NETWORK GROWTH

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the election of species requirement set forth in the Office Action dated May 16, 2005. Applicant hereby elects Species 2, FIG. 2A, for continued examination with traverse. At least claims 61-88 read upon Species 2.

Moreover, given the circumstances of this case, it would not be a serious burden for the Examiner to examine all of the claims at this time. M.P.E.P. § 803 provides that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." In this case, there are only two additional independent claims, *i.e.*, 89 and 99. The additional independent claims also recite the formation of a conducting channel as independent 61 recites. Consequently, the same search for Species 2, *i.e.*, claims 61-88, would also encompass Species 1 and 3.

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The continued examination of all the pending claims can be done without serious burden.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: June 10, 2005

Respectfully submitted,

By 

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